DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action mailed on 25 April 2011 is persuasive and, therefore, the finality of that action is withdrawn.

2. Claim 7, 15 and 22 are amended.

3. Claim 1-6, 8-14, 16-18 are cancelled.

4. USC 101 rejections have withdrawn.

5. Claims 7, 15, 19-22 remain rejected.

Responses to the Argument

6. The applicant's arguments during the 2 July 2011 interview are moot in view of new ground of rejection rendered.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in Graham **v.** John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 7, 15, 19-22 are rejected under 35 U.S.C §102(e) as being unpatentable over Elgressy et al (US Publication No. 20030056117), hereinafter Elgressy and in view of Grecsek, Matthew (US Patent No. 6088801), hereinafter Grecsek.

In regard to **claim 7**, Elgressy discloses:

- a storing unit that stores information on whether a function of a program provided via a network is permitted to be used (Elgressy, ¶22), wherein gateways stores the security policy (permission information).

- a receiving unit (Elgressy, ¶22), wherein gateway also is the receiving unit.

- a first receipt control unit that receives, using the receiving unit, before receiving the program via the network, function information indicating a code described in the program, for calling the function of the receiving device (Elgressy, ¶22, ¶24), wherein gateway (the receiver) with the analyzing function (receipt control unit) receives the object header.

- a determining unit that determines whether to receive the program, by comparing the function information received by the first receipt control unit and information stored by the storing unit (Elgressy, 24-¶28), wherein determination is done by comparing stored policy.

- a second receipt control unit that receives, using the receiving unit, the program via the network if the determining unit determines to receive the program, and that cancels receipt of the program by the second receipt control unit via the network if the determining unit determines not to receive the program, wherein the determining unit makes the determination before the program is received by the second receipt control unit; and (Elgressy, ¶28), wherein determination done to allow or prevent downloading programs/application.

- an executing unit that executes the program received by the second receipt control unit (Elgressy, ¶27), wherein initiation of downloading is the executing program.

Elgressy does not explicitly teach that it can use in different units; however in a relevant art Grecsek discloses this technique (Grecsek, Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the software execution prevention of Elgressy with the use of separate unit disclosed in Watanabe, so that the control need to not to be in the same machine, it (code or software) can have flexibility to move around in a distributed environment.

In regard to **claim 15**, Elgressy discloses:

- a first step of receiving, before receiving a program via a network, function information indicating a code described in the program, for calling a of the computer (Elgressy, ¶22, ¶24), wherein the object header is the information of the object/program.

- a second step of determining, by comparing the function information received in the first step and information on whether the function of the program is permitted to be used, which is pre-registered in memory, whether to receive the program associated with the function information (Elgressy, ¶33), wherein, determination is done by comparing header of the Executable with stored value in the look up table, inherently these values are pre-registered to determine which objects can be allowed or rejected.

- a third step of receiving the program via the network if it is determined in the second step to receive the program, wherein the determination of the second step is performed before the program is received by the computer (Elgressy, ¶48-¶52).

- a fourth step of executing the program received in the third step; and (Elgressy, ¶27).

- a fifth step of canceling reception of the program by the computer via the network if it is determined in the second step not to receive the program (Elgressy, ¶28), wherein determination done to allow or prevent downloading programs/application.

Elgressy does not explicitly teach that it can use in different units; however in a relevant art Grecsek discloses this technique (Grecsek, Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the software execution prevention of Elgressy with the use of separate unit disclosed in Watanabe, so that the control need to not to be in the same machine, it (code or software) can have flexibility to move around in a distributed environment.

In regard to **claim 19**, claim 7 is incorporated and Elgressy discloses:

- wherein the determining unit further compares the function information received by the first receipt control unit and the information stored by the storing unit, and permits execution of the program when the function contained in the function information is permitted to be used (Elgressy, ¶28).

In regard to **claim 20**, claim 7 is incorporated and Elgressy discloses:

- wherein: the storing unit stores information on whether the function of the program is permitted to be used; and (Elgressy, ¶22).

- the function information is information on the function contained in the program to be received (Elgressy, ¶33), wherein header contains the information about the executable objects.

In regard to **claim 21**, claim 7 is incorporated and Elgressy discloses:

- the storing unit stores information on whether a resource of the program is permitted to be accessed; and (Elgressy, ¶24).

- the function information is information on the resource accessed in accordance with the program to be received (Elgressy, ¶33), wherein header contains the information about the executable objects.

In regard to **claim 22**, Elgressy discloses:

- a first step of causing, by a processor of a computer, a communication unit of the computer to receive, before receiving a program via a network, function information indicating a code described in the program, for calling a function of the computer (Elgressy, ¶33-¶34).

- a second step determining, by the processor, by comparing the function information received in the first step and information on whether the function of the program is permitted to be used, which is pre-registered in memory, whether to receive the program associated with the function information (Elgressy, ¶34).

- a third step of causing, by the processor, the communication unit to receive the program via the network if it is determined in the second step to receive the program, wherein the determination of the second step is performed before the program is received by the communication unit (Elgressy, ¶61, 48-52).

- a fourth step executing, by the processor, the program received in the third step; and (Elgressy, claim1, ¶27).

- a fifth step canceling, by the processor, reception of the program by the communication unit via the network if it is determined in the second step not to receive the program (Elgressy, ¶35, ¶28).

Elgressy does not explicitly teach that it can use in different units; however in a relevant art Grecsek discloses this technique (Grecsek, Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the software execution prevention of Elgressy with the use of separate unit disclosed in Watanabe, so that the control need to not to be in the same machine, it (code or software) can have flexibility to move around in a distributed environment.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (See form "PTO-892 Notice of reference cited).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MONJOUR RAHIM whose telephone number is (571)270-3890. The examiner can normally be reached on 5:30 AM - 3:30 PM (Mo - Th).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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